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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,978	12/20/2000	John E. Lumsden	3650-008 US	3731
28470	7590	02/23/2005	EXAMINER	
G. RONALD BELL & ASSOCIATES			MAIS, MARK A	
P O BOX 2450			ART UNIT	
POSTAL STATION D			PAPER NUMBER	
OTTAWA, ON K1P 5W6			2664	
CANADA			DATE MAILED: 02/23/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/739,978

Applicant(s)

LUMSDEN ET AL.

Examiner

Mark A Mais

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer (USP 6,195,345).

3. With regard to claims 1, Kramer discloses a multimedia network for using this network, by hosting a service offered to users of a telecommunications network wherein said users require different types of access to said service [**col. 1, lines 5-8**], said multimedia network comprising: a back end cluster for providing said service [**fig. 4, MXE service 43**] to the users of said telecommunications network [**back end MXE, col. 3, lines 57-58; fig. 4**]; a plurality of telephony access nodes [**node 37, col. 7, lines 18-19**] for providing said users of a telecommunications network with local access to said service via a wide area network [**fig. 4, UNIX 39**] that connects said back end cluster to said plurality of telephony access nodes [**port-by-port via the VLX controller, col. 5, lines 25-30**]; and

a plurality of switches [**fig. 4, LNX modules**], for interconnecting said users of a telecommunications network [**back end MXE, col. 3, lines 57-58; fig. 4**] with said plurality of telephony access nodes [**node 37, col. 7, lines 18-19**].

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4. With regard to claim 9, Kramer discloses a method of deploying a hosted service in a telecommunications network, said method comprising the steps of:

providing said service to the users of said network by means of a back end cluster [**fig. 4, back end MXE service 43, col. 3, lines 57-58**];

providing local access to said hosted service via wide area network that connects said back end cluster to a plurality of telephony access nodes [**fig. 4, UNIX 39 connected to LNX modules**]; and

providing a plurality of switches [**fig. 4, LNX modules**] which interconnect the plurality of telephony access nodes [**node 37, col. 7, lines 18-19**] with the users of the telecommunications network [**back end MXE, col. 3, lines 57-58; fig. 4**].

5. With regard to claims 2 and 10, Kramer discloses a network according to claim 1 wherein said hosted service is a messaging system [**MXE service 43 is voicemail, col. 5, line 62**].

6. With regard to claims 3 and 11, Kramer discloses a network according to claim 2 wherein said messaging system is a unified messaging system [**voice, e-mail, and fax, col. 22-30**].

7. With regard to claims 4 and 12, Kramer discloses a network according to claim 2 wherein said messaging system is a unified communications system [**landline, cell, PCS, private, paging, col. 1, lines 29-30**].

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8. With regard to claims 5, 7, 13, and 15, Kramer discloses a network according to claim 1 wherein one of said plurality of switches is a private branch exchange **[all the users in this multimedia enterprise, share a certain number of telephone lines (scalable), needing telephone channel configuration, handled by the TCR and the TCH, col. 4, lines 50-53].**

9. With regard to claims 6, 8, 14, and 16, Kramer discloses a network according to claim 1 wherein one of said plurality of switches is a key telephone system **[in this case, although Kramer is trying to move away from using the telephone connection, there must still be one ‘telephony’ trunk, which is then connected to the three MXEs, col. 2, lines 35-37; see also fig. 1].**

Response to Arguments

10. Applicant's arguments filed on December 20, 2004 have been fully considered but they are not persuasive.

11. Applicant asserts that the claimed invention is distinguished from Kramer by the minimized monetary cost used by the Applicant's invention. In response to applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies [i.e., cost-effectiveness and minimizing cost (Amendment of 20 December 2004, page 4, paragraphs 3-5)], are not recited in the rejected, amended claims. Although the

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claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

12. Applicant further asserts that the nodes and switches of Kramer do not record a message and then transfer it between switches and nodes. With this particular argument proposed by the Applicant--that the references fail to show certain features of Applicant's invention, it is noted that the features upon which applicant relies [i.e., transfer of messages between nodes and switches (Amendment of 20 December 2004, page 5, paragraphs 4 and 5)], are not recited in the rejected, amended claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

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calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (571) 272-3138. The examiner can normally be reached on 6:00-4:30.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 25, 2005

A handwritten signature in black ink, appearing to be 'W. Chin', with a long horizontal line extending to the right.